IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.453 OF 2005

Ambar Foods Private Ltd. & Anr. ...Petitioners.

Vs.

The Greater Bombay Co-operative Bank & Anr. ...Respondents.

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Mr.Sanjay Jain with Mr.A.A.Joshi for the Petitioners.

Dr.Virendra Tulzapurkar, Senior Advocate with Mr.Ajay Kolsepatil for Respondent No.1.

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CORAM : DR.D.Y.CHANDRACHUD, J.

February 22, 2005.

P.C. :

When this petition was moved on the previous date, it was stated on behalf of the Petitioners that a copy of the reasoned order of the Co-operative Court was not available and that the Learned Judge of the Cooperative Court was on leave. It was also stated before the Court that

the Co-operative Appellate Court was also vacant as on 17th February 2005 as a result of which, the Petitioners had no remedy but to move this Court. The Court has been informed today that the reasoned order of the Co-operative Court has been made available and that the Judge in the Co-operative Appellate Court is available for judicial work. In that view of the matter, it is not necessary to exercise the jurisdiction under Article 226 of the Constitution when the Petitioners admittedly have an alternative remedy as and by way of appeal. In order to enable the Petitioners to move the Co-operative Appellate Court, Counsel appearing on behalf of the First Respondent states that without prejudice to the rights and contentions of the First Respondent, the First Respondent shall not take any coercive step until 5 p.m. on 28th February 2005. The Petition is accordingly disposed of leaving it open to the petitioners to pursue their alternate remedy.

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